

Amendment
U.S. Patent Application No. 10/691,663

REMARKS

Claims 1 and 3-24 are pending in the subject application. Claims 1-24 have been examined, and claims 1 and 15 stand rejected. Applicants acknowledge and appreciate the Examiner's indication that claims 2-14 and 16-24 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Claims 1, 3, 4, 15 and 16 have been amended in the present Amendment, and support for the amended claims can be found throughout the specification. In addition, claim 2 has been canceled. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

Initially, Applicants note that the following Information Disclosure Statement (IDS) documents were filed: (1) an IDS submitted on October 24, 2003 with the filing of the application; and (2) a Supplemental IDS submitted on April 1, 2004. In the "Summary" of the outstanding Office Action, the Examiner notes that the IDS filed on October 24, 2003 was reviewed, but makes no mention of the Supplemental IDS filed on April 1, 2004. An initialed copy of the PTO-1449 document filed on April 1, 2004 (not October 24, 2003) was returned with the outstanding Office Action. However, as the Applicants have stated to the Examiner during two previous telephone calls, an initialed copy of the PTO-1449 document filed on October 24, 2003 has not been provided to Applicants. Copies of the PTO-1449 document filed on October 24, 2003 and PTO-stamped filing receipt (evidencing the filing of this document) are enclosed with this Amendment, and the Examiner is respectfully requested to provide an initialed copy of

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the PTO-1449 document filed on October 24, 2003 to Applicants with the next communication for the subject application.

Claims 1 and 15 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 4,028,877 to Vatterott. As previously noted, the Examiner has indicated that claims 2-14 and claims 16-24 contain allowable subject matter.

Initially, please note that the preamble of claim 1 has been amended for consistency with its dependent claims. Claim 1 has also been amended so as to include the limitations of claim 2, and claim 2 has been canceled. Claims 3 and 4 have been amended to correct the claim dependency due to the cancellation of claim 2. Thus, amended claim 1 now includes the additional feature of a mounting member to secure the entertainment device to an oscillating product such that, upon securing the mounting member to the oscillating product, the oscillating product conveys oscillatory motion to the entertainment device. Since the Examiner has indicated that claim 2 contains allowable subject matter, claim 1 should now be allowed and the Examiner is requested to withdraw the rejection to this claim based upon Vatterott. In addition, claims 3-14, which depend from claim 1, should also be allowed.

Claim 15 has been amended in a similar manner as claim 1 to include the feature of providing a mounting member to facilitate mounting of the entertainment device to an oscillating product. It is respectfully submitted that, as with amended claim 1, Vatterott does not disclose or suggest the combination of features of amended claim 15 with particular regard to the mounting member feature of this claim. Accordingly, the Examiner is requested to withdraw the rejection

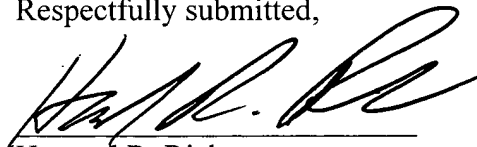
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of claim 15 based upon Vatterott and to allow this claim. In addition, claims 16-24, which depend from claim 15, should also be allowed.

In view of the foregoing, the Examiner is respectfully requested to find claims 1 and 3-24 to be in condition for allowance with. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Applicants hereby petition for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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Hand Delivered on: December 7, 2004